

Appl. No. 09/932,102
Amendment and/or Response
Reply to Office Action of May 4, 2004

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REMARKS/DISCUSSION OF ISSUES

Claims 1-5 are pending in this application, with claim 1 being the independent claim.

The most recent office action continues to indicate that a certified copy of the priority document has not been received. However, as explained in previous Responses filed on July 7, 2003, and November 5, 2003, a certified copy of the priority document and a verified English translation were filed by U.S. mail on February 4, 2003. A copy of the claim for priority accompanying the priority document, showing a valid Certificate of Mailing, was filed with that response. A copy was sent with a response dated November 5, 2003. If the required document is not found in the official file, kindly inform the undersigned so that it may be sent for entry.

Claim Rejections - 35 U.S.C. § 112

The Examiner continues to reject Claims 1-5 under 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection was responded to at length in the previous Response dated April 9, 2004, and the remarks set forth in that Response are reiterated. It is believed that those remarks respond fully to the Examiner's position.

In addition, the claims have been amended to emphasize the fact that the positioning of the light sources relative to each other and to the light reflection member is the manner in which the parasitic capacitances are equalized. Such positioning of

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the light sources is clearly described in the application and could readily be accomplished by one of ordinary skill in the art, upon reading applicant's disclosure. For example, at page 3, line 32-page 5, line 11, the filed application includes a description of the locating of the lens elements to effect the equalization of the parasitic capacitances in accordance with example embodiments. For example, in connection with the example embodiment of Fig. 1, the equalization of parasitic capacitances C1, C2 and C3 is described in detail.

Accordingly, for at least the reasons set forth above it is respectfully submitted that the subject matter of the present discussion complies with the requirements of 35 U.S.C. § 112, ¶1 under which claims 1-5 were rejected. As such, it is respectfully submitted that the rejection under 35 U.S.C. § 112, ¶1 is improper and should be withdrawn.

Claim Rejections - 35 USC § 103

1. The Office rejects claims 1-5 under 35 U.S.C. §103(a) in view of Miller et al. (US Pat. No. 6,390,638 B1). For at least the reasons set forth below, it is respectfully submitted that these claims are patentable over the applied art.

Independent Claim 1 recites, *inter alia*, that
"*...light sources are located relative to each other and to the light reflection member so as to have the same parasitic capacitance caused by intervals between said light sources and said light reflection member.*"

It is respectfully submitted that the reference to Miller, et al. lacks at least the disclosure that the light sources have the same parasitic capacitance. In fact, the reference to Miller, et al. shows only two light sources, rather than the

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three or more light sources featured for equalizing parasitic capacitance in accordance with claim 1. As such, the three or more light sources are useful in the equalization of the parasitic capacitance, and are not "mere duplication of essential working parts" as stated by the Examiner.

For at least the reasons set forth above, the reference to Miller, et al. lacks the disclosure of at least one of the features of claim 1. Accordingly, independent Claim 1, and the claims that depend therefrom, are patentable over the applied art. Allowance is earnestly solicited.

2. The Office rejects Claims 1-3 and 5 under 35 U.S.C. § 103(a) over Marz (EP 0854318 A1). For at least the reasons set forth below, it is respectfully submitted that this rejection is improper and should be withdrawn.

The undersigned notes that the reference relied upon in the Office Action is in other than English. According to MPEP § 706.02, "If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection." (Kindly refer to pages 700-20 and 700-21 of MPEP Rev. 2, May 2004.) As such, in order to properly rely upon the reference to Marz, the examiner must obtain a translation of the reference.

The above notwithstanding, the undersigned has obtained an English-language abstract of the reference to Marz from esp@cenet.com and encloses a courtesy copy herewith. A review of the English language abstract and drawing does not reveal the featured language of claim 1 set forth in the discussion of the rejection in view of Miller, et al.

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Conclusion

In view of the foregoing, applicant respectfully requests that the Examiner withdraw the objections and rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain of issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Except as otherwise noted in the above Remarks, claims are amended for non-statutory reasons, to place them in standard U.S. patent practice format. The claims are not narrowed in scope and no new matter is added.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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